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Attorneys for Plaintiff  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

No. CR 13-917-DMG

13 Plaintiff,

STIPULATION AND APPLICATION FOR  
PROTECTIVE ORDER FOR DISCOVERY  
RE: DEFENDANT HUNTER MOORE

14 v.

15 HUNTER MOORE and  
CHARLES EVENS,  
16 aka "Gary,"

17 Defendants.  
18  
19

20 Plaintiff United States of America, by and through its counsel  
21 of record, the United States Attorney's Office for the Central  
22 District of California, and defendant Hunter Moore, both  
23 individually and through his counsel of record, Robert M. Holley,  
24 Esq., hereby stipulate and request the Court to find and order as  
25 follows:

26 1. The indictment in this case was filed on December 20,  
27 2013. Defendant made his initial appearance in the United States  
28

1 District Court for the Central District of California on February 7,  
2 2014.

3 2. The 15-count indictment charges defendant and co-defendant  
4 Charles Evens each with violations of 18 U.S.C. § 371: Conspiracy;  
5 18 U.S.C. §§ 1030(a)(2)(C), (c)(2)(B)(i): Unauthorized Access to a  
6 Protected Computer to Obtain Information; 18 U.S.C. § 1028A:  
7 Aggravated Identity Theft; and 18 U.S.C. § 2: Aiding and Abetting  
8 and Causing an Act To Be Done. Defendants are released on bond  
9 pending trial.

10 3. The indictment alleges that defendants conspired to hack  
11 into victims' e-mail accounts to steal nude photos that were later  
12 posted on defendant Moore's self-described "revenge porn" website  
13 <http://isanyoneup.com> without the victims' permission.

14 4. The discovery in this matter contains sensitive  
15 information belonging to victims and witnesses, including but not  
16 limited to the following: personal identification information, such  
17 as names, dates of birth, addresses, phone numbers, Social Security  
18 numbers, e-mail addresses, e-mail and social media messages, and  
19 private pictures, including nude or sexually explicit pictures. In  
20 addition, a substantial portion of the discovery consists of raw  
21 digital data, more than 100 gigabytes in total, recovered from  
22 digital devices seized pursuant to search warrants or obtained from  
23 Internet Service Providers. Such digital data contains sensitive  
24 information that cannot easily be redacted.

25 5. The government intends to produce, and the defense intend  
26 to review, the above-described discovery containing sensitive  
27 information. To serve the government's interest in protecting such  
28 information, including the government's interest in safeguarding

1 against further dissemination or use by any person, including  
2 defendant, and also to serve and protect defendant's right to  
3 prepare an effective defense in this case, the parties have  
4 stipulated to the entry of a Protective Order for discovery in this  
5 case.

6         6. Federal Rule of Criminal Procedure 16(d)(1) provides that  
7 "[a]t any time the court may, for good cause, deny, restrict, or  
8 defer discovery or inspection, or grant other appropriate relief."

9         7. The record demonstrates good cause to permit the Court to  
10 exercise its discretion to restrict discovery and inspection of the  
11 sensitive information in this case and to grant such relief as is  
12 necessary to ensure the confidentiality of such information.

13         8. Accordingly, the parties hereby stipulate and ask the  
14 Court to issue a Protective Order for discovery according to the  
15 following terms:

16             a. As used herein, "Confidential Information" includes  
17 information belonging to any person who is or may become a victim or  
18 witness in this case, including but not limited to personal  
19 identification information, such as names, dates of birth,  
20 addresses, phone numbers, Social Security numbers, e-mail addresses,  
21 contents of e-mail and social media messages, and private pictures,  
22 including nude or sexually explicit pictures, and any information  
23 within the definitions of "means of identification" under 18 U.S.C.  
24 § 1028(d)(7).

25             b. The government shall not produce discovery materials  
26 containing Confidential Information to defense counsel until such  
27 time as the requested Protective Order is issued.

1 c. All materials in any form that contain Confidential  
2 Information shall be covered by this stipulated Protective Order.

3 d. Defense counsel shall at all times maintain all  
4 Confidential Information in a secure area and shall exercise  
5 reasonable care in ensuring the continued confidentiality of all  
6 Confidential Information.

7 e. Defense counsel, as well as his designated paralegals  
8 and investigators, including retained experts, shall not disclose  
9 any Confidential Information to any other person or entity, unless  
10 defense counsel obtains prior express written permission from the  
11 government or receives an order from the Court authorizing such  
12 disclosure.

13 f. Defense counsel is prohibited from providing  
14 defendant, or causing defendant to be provided, with any  
15 Confidential Information and shall not let defendant review any  
16 Confidential Information except in redacted form or in the presence  
17 of defense counsel or the presence of an investigator, paralegal, or  
18 expert working with defense counsel on the case. Defendant shall  
19 not maintain, retain, or keep a copy of any Confidential  
20 Information. Although defense counsel may review and discuss with  
21 defendants the contents of discovery materials containing  
22 Confidential Information, defense counsel shall ensure that  
23 defendant does not take notes or record in any manner any  
24 Confidential Information.

25 g. Defense counsel may permit an investigator,  
26 paralegal, expert, or other staff employed by defense counsel to  
27 view Confidential Information, but all such individuals also are  
28 prohibited from disseminating or disclosing to any other person or

1 entity, including defendant, any Confidential Information unless  
2 defense counsel obtains prior express written permission from the  
3 government or an order from the Court authorizing such disclosure.

4           h. Nothing in this paragraph shall be read to preclude  
5 the making of copies of Confidential Information for the purpose of  
6 creating exhibits or trial preparation materials, or preparing for  
7 trial in this case. Moreover, nothing in this paragraph shall  
8 restrict Confidential Information from being reviewed with a witness  
9 or potential witness with respect to the trial in this case. Before  
10 being shown any Confidential Information, however, any witness or  
11 potential witness must be informed of, and agree to be bound by, the  
12 requirements of this Protective Order. That is, any witness or  
13 potential witness shall not disclose to any other person or entity  
14 any Confidential Information. Further, any witness or potential  
15 witness may not retain Confidential Information, or any reproduction  
16 or copy thereof, after his or her review of such information is  
17 complete. Further, any witness or potential witness may not write,  
18 make, or retain any notes that include any Confidential Information.

19           i. Defense counsel, as well as his designated paralegals  
20 and investigators, including retained experts, may review discovery  
21 materials containing Confidential Information only in connection  
22 with preparing or presenting a defense in this case. Upon the final  
23 disposition of this case, whether by guilty plea, conviction at  
24 trial, or otherwise, none of the Confidential Information obtained  
25 during the course of litigation in this matter may be used, in any  
26 way, for any reason, absent the express written agreement of the  
27 government or an order by this Court.

1           j. Upon the final disposition of this case, whether by  
2 guilty plea, conviction at trial, or otherwise, defense counsel  
3 shall, within ten business days, (1) return to the government or  
4 destroy all materials containing Confidential Information; and  
5 (2) certify in writing that defense counsel has complied with the  
6 terms of this provision.

7           k. No party to this stipulation may file any document  
8 containing Confidential Information in any court filing without  
9 first redacting the Confidential Information or obtaining an order  
10 to file an unredacted version of the document containing  
11 Confidential Information under seal. All documents containing  
12 Confidential Information filed in connection with any court filing  
13 shall comply with Local Rule 79-5.

14           l. In the event that defense counsel deems it necessary  
15 for defendant to review any of the discovery containing Confidential  
16 Information in this case outside of the presence of defense counsel,  
17 his designated paralegals, investigators, or retained experts,  
18 defense counsel shall notify the government prior to defendant doing  
19 so. The parties shall confer regarding a limited disclosure to  
20 defendant of redacted discovery materials containing Confidential  
21 Information. Defense counsel shall provide only the redacted  
22 discovery materials to defendant to ensure the confidentiality of  
23 the Confidential Information.

24           m. If defense counsel deems it necessary to provide  
25 defendant with a copy of any discovery materials containing  
26 unredacted Confidential Information, defense counsel will either  
27 obtain the express written approval of the government or an order of  
28 this Court prior to doing so.

1 n. Defendant shall not disseminate, distribute or  
2 reproduce in any manner, including by photocopying and scanning, any  
3 discovery materials.

4 o. This Stipulation and the Court's Order shall bind  
5 defendant and his counsel of record, including any successor counsel  
6 of record, whether retained by defendant or appointed by the Court.

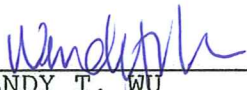
7 IT IS SO STIPULATED.

8 Respectfully submitted,

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10 ANDRÉ BIROTTE JR.  
United States Attorney

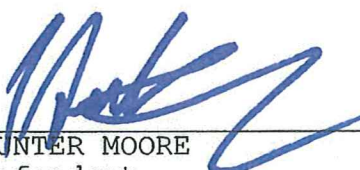
11 ROBERT E. DUGDALE  
12 Assistant United States Attorney  
Chief, Criminal Division

13 Dated: 2/20/2014

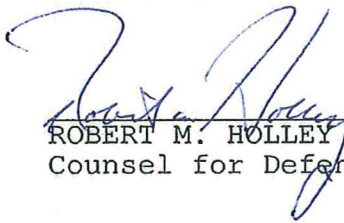
  
14 WENDY T. WU  
15 Assistant United States Attorney

16 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

17  
18 Dated: 2-18-14

  
19 HUNTER MOORE  
20 Defendant

21 Dated: 2-18-14

  
22 ROBERT M. HOLLEY  
23 Counsel for Defendant  
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